

Exhibit B

In The Matter Of:
Mark Webb, et al. v.
Volvo Cars of N.A., LLC, et al.

Leo Werberg
February 26, 2013

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| <p>SUBJECT TO PROTECTIVE ORDER Page 97</p> <p>1 statements which I dispute --</p> <p>2 MR. MALOFIY: Well, let me break</p> <p>3 it down.</p> <p>4 MR. WICKERSHAM: Let the witness</p> <p>5 answer.</p> <p>6 THE WITNESS: You've just made</p> <p>7 many statements with which I would</p> <p>8 dispute --</p> <p>9 MR. MALOFIY: Okay.</p> <p>10 THE WITNESS: -- most, if not</p> <p>11 all. If you have a specific question, I'm</p> <p>12 more than happy to answer; that's what I'm</p> <p>13 here to do.</p> <p>14 BY MR. MALOFIY:</p> <p>15 Q. Besides the Volvo 850 GLT, which</p> <p>16 you've identified on Werberg-11 from the script</p> <p>17 on the back of the picture, at the bottom-most</p> <p>18 portion, are you able to identify any other</p> <p>19 make or model Volvo on Werberg-11?</p> <p>20 MR. WICKERSHAM: Form objection.</p> <p>21 THE WITNESS: Werberg-11 appears</p> <p>22 to be... very similar to Werberg-10, with</p> <p>23 the addition of some information.</p> <p>24</p> | <p>SUBJECT TO PROTECTIVE ORDER Page 99</p> <p>1 Q. What's it state? Maybe that's easier</p> <p>2 just for the record. What's the additional</p> <p>3 information stated on Werberg-11? And if you</p> <p>4 would, I'll hand you my pen, and you can circle</p> <p>5 it, sir.</p> <p>6 A. To answer that, I'd have to look at</p> <p>7 Werberg-10, but you got visibly upset last time</p> <p>8 I did that, so I'm going to reach out now and</p> <p>9 grab Werberg-10 if you're going to answer --</p> <p>10 ask me that question again.</p> <p>11 Q. Well, let me do this. Let me identify</p> <p>12 the yellow, uh, heading on top of the</p> <p>13 illustration.</p> <p>14 A. Please do, please do.</p> <p>15 Q. I'm going to circle this.</p> <p>16 A. Please do.</p> <p>17 Q. And I believe this was what you were</p> <p>18 referring to.</p> <p>19 A. Yes.</p> <p>20 Q. Is that the additional piece of</p> <p>21 information which you're referring to, which</p> <p>22 your counsel coached you on by identifying this</p> <p>23 as the additional yellow bar with information</p> <p>24 on it?</p> |
| <p>SUBJECT TO PROTECTIVE ORDER Page 98</p> <p>1 BY MR. MALOFIY:</p> <p>2 Q. That's not my question, if it appears</p> <p>3 to be similar. I didn't ask you if it appears</p> <p>4 to be similar; I didn't ask you if it has</p> <p>5 additional information.</p> <p>6 My question -- my question was: Can</p> <p>7 you identify any other make or model on</p> <p>8 Werberg-11 other than the Volvo 850 GLT, which</p> <p>9 you have previously identified from the script</p> <p>10 on the back of the Volvo?</p> <p>11 MR. WICKERSHAM: Form objection.</p> <p>12 THE WITNESS: There could be one</p> <p>13 of many models represented by the</p> <p>14 illustration. There is additional</p> <p>15 information on this exhibit, Werberg-11,</p> <p>16 compared with the previous exhibit,</p> <p>17 Werberg-10. That additional information</p> <p>18 appears to indicate what vehicle is in the</p> <p>19 illustration.</p> <p>20 BY MR. MALOFIY:</p> <p>21 Q. Does it indicate the make, that</p> <p>22 additional information; does it give you the</p> <p>23 make of that additional information?</p> <p>24 A. The additional information --</p> | <p>SUBJECT TO PROTECTIVE ORDER Page 100</p> <p>1 MR. WICKERSHAM: Form objection.</p> <p>2 THE WITNESS: Please state your</p> <p>3 question.</p> <p>4 BY MR. MALOFIY:</p> <p>5 Q. Yes. Can you please read the</p> <p>6 additional information which we're discussing</p> <p>7 into the record? What's it say?</p> <p>8 A. Are you asking me to read what you've</p> <p>9 circled on the document?</p> <p>10 Q. Sure.</p> <p>11 A. Yes, I can do that.</p> <p>12 Q. Go ahead.</p> <p>13 A. It says, "900 Series Side Impact</p> <p>14 Presentation System."</p> <p>15 Q. Okay. Does it provide the make where</p> <p>16 it reads -- when you read that, does that</p> <p>17 identify the make of this 900-series side</p> <p>18 impact protection, yes or no?</p> <p>19 Can you tell me, or can you circle,</p> <p>20 the make of that Volvo 900-series -- excuse me,</p> <p>21 of the 900-series side impact protection</p> <p>22 system?</p> <p>23 A. The information that you've circled</p> <p>24 here, in this exhibit, states, "900 Series Side</p> |

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| <p>SUBJECT TO PROTECTIVE ORDER Page 101</p> <p>1 Impact Presentation System." 2 Q. Does it identify the make -- 3 A. I wasn't quite finished. 4 It states, "900 Series Side Impact 5 Protection System"; nothing more, nothing less. 6 That's exactly what's stated in the circle 7 you've drawn on this exhibit. 8 Q. And it doesn't identify the make as 9 being Volvo, correct? 10 A. What you've circled here does not 11 state anything about a -- a make. 12 Q. How about what I circled there and the 13 illustration below it, the heading and the 14 illustration, does that identify this 15 illustration being a Volvo? 16 A. Which heading are you referring to? 17 Q. The one we circled, sir. The one that 18 reads, "900 Series Side Impact Protection 19 System." And that has an illustration which 20 we've been talking about throughout the course 21 of this morning. 22 Anywhere on that illustration or on 23 that heading, does it identify Volvo? 24 MR. WICKERSHAM: Form objection.</p> | <p>SUBJECT TO PROTECTIVE ORDER Page 103</p> <p>1 questioning. 2 A. So one looking at this document would 3 assume that it's discussing Volvo Cars and not 4 some other make of car. 5 Q. Did the Volvo ever make a 900-series 6 model specifically? 7 A. Volvo Car Corporation produced a 900- 8 series model. 9 Q. Was it called a 900 series model, or 10 was it called a 940 or a 960 specifically? Did 11 you ever a car that was called "Volvo 900 12 series," or is that the term that's used for 13 that platform? 14 MR. WICKERSHAM: Form objection. 15 THE WITNESS: The term "900 16 series" is used to describe a number of 17 models. 18 BY MR. MALOFIY: 19 Q. Okay. What models? 20 A. For example, the 940 and the 960. 21 Q. So was there ever a Volvo model that 22 said "900," 9-0-0, on it? Have you ever seen 23 that? Ever. 24 A. I'm not aware of a model called "The</p> |
| <p>SUBJECT TO PROTECTIVE ORDER Page 102</p> <p>1 THE WITNESS: This document has a 2 main heading, not the one you've circled. 3 BY MR. MALOFIY: 4 Q. Yeah, that's not what I'm referring 5 to. 6 A. There's a main heading, and that says, 7 "Insist on Genuine Volvo Body Parts." 8 So anyone continuing to read this 9 document would, of course, make the conclusion 10 that it has something to do with Volvo and not 11 some other make of vehicle. 12 Q. Okay, okay. So anyone would come to 13 the conclusion that the cars depicted in this 14 Werberg-11 are Volvos, correct? 15 MR. WICKERSHAM: Form objection. 16 BY MR. MALOFIY: 17 Q. I'm just trying to follow your 18 thoughts there, sir. 19 A. It states, "Insist on genuine Volvo 20 body parts." It states, "Over the years, Volvo 21 has built a reputation for safe, reliable, 22 long-lasting cars." 23 Q. We don't have to read it into the 24 record; that's not the purpose of my</p> | <p>SUBJECT TO PROTECTIVE ORDER Page 104</p> <p>1 900," as you said. I'm aware of the Volvo 900- 2 series, as it's stated here. 3 Q. The 900 series, but you're not aware 4 of a model with 9-0-0, correct? 5 A. This illustration does not seem to be 6 about a specific car model. 7 Q. All right. 8 A. As we discussed earlier, the 9 illustration is clearly trying to point out 10 something very specific -- 11 Q. Yes. 12 A. -- some sort of flow. It has a large 13 yellow arrow. Then it has many -- I don't know 14 exactly how many -- smaller yellow arrows. 15 Q. Yes. Let me ask you my questions more 16 specifically. Volvo never manufactured a 900; 17 there was never a 900 model ever manufactured, 18 correct? 19 MR. WICKERSHAM: Form objection. 20 BY MR. MALOFIY: 21 Q. That you're aware of? 22 A. I'm not a hundred percent aware of 23 every model ever designed and manufactured by 24 Volvo Car Corporation.</p> |